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**HF 519** – Safer Roads (LSB1680HV)

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Fiscal Note Version – New

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**Description**

**House File 519** relates to public safety on highways. The Bill states that if a homicide by vehicle involves the use of an electronic communication device, it will be considered a Class C felony. The Bill also establishes a 24/7 Sobriety Program.

**Background**

Current law states that a person commits a Class C felony when the person unintentionally causes the death of another person by driving a motor vehicle in a reckless manner. A Class C felony is punishable by imprisonment for no more than 10 years, and a fine of at least \$1,000 but no more than \$10,000. This Bill amends Iowa Code section [707.6A](#), stating that usage of a hand-held electronic communication device while driving a motor vehicle will be considered prima facie evidence that the offender was driving the motor vehicle in a reckless manner and is subject to a Class C felony.

The Bill also:

- Directs the Department of Public Safety (DPS) to establish a statewide sobriety and drug monitoring program (also known as a 24/7 Sobriety Program), subject to parameters outlined in the Bill.
- Allows local jurisdictions to apply for participation in the 24/7 Sobriety Program, and if approved, the DPS is required to assist the local jurisdictions in setting up and administering the Program.
- Directs participating law enforcement agencies to set up a Sobriety Program Account to collect participant, enrollment, and testing fees.
- Requires the DPS to provide and approve the use of a program data management system to manage testing, test events, test results, data access, fees, and collection of fee payments, and the submission and collection of any required reports.

The Judicial Branch, the Department of Corrections (DOC), and the Board of Parole (BOP) may order or place a participant in the 24/7 Sobriety Program as a condition of any bond or pretrial release, receipt of a suspended sentence or probation, or as a condition of parole. An eligible offense for placement in a 24/7 Sobriety Program includes:

- A first offense in which the offender's Blood Alcohol Content is higher than .15.
- A first offense in which an accident resulted in personal injury or property damage.
- A first offense in which the offender refused to submit to a chemical test.
- A second or subsequent offense.

A person who has not been required to participate, but has been charged with, pled guilty to, or been convicted of an eligible offense may voluntarily request to participate in the 24/7 Sobriety Program in a participating jurisdiction. A participant in the Program must also install an ignition interlock device on all motor vehicles they own or operate.

The DPS is required to submit a report to the General Assembly outlining the effectiveness of the Program and making recommendations by December 1, 2021. The 24/7 Sobriety Program is repealed as of July 1, 2022.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- 50.0% of the charges under Iowa Code section [707.6A\(2\)](#) that were dismissed or acquitted during FY 2016 would become convictions under this Bill.
- Participants in the 24/7 Sobriety Program will be assessed fees to cover the costs of participation.
- Participants are responsible for the cost of installing ignition interlock devices in their motor vehicles.
- Costs to local law enforcement agencies to participate in the 24/7 Sobriety Program will be minimal and covered by participant, enrollment, and testing fees.

### **Impact**

#### **Correctional Impact**

In FY 2016 there were 16 homicide by vehicle (reckless driving) convictions. It is estimated that there would be an annual increase of one Class C felony conviction under this Bill that would result in one additional prison admission. **Table 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Correction (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for Class C felonies.

**Table 1 – Sentencing Estimates and LOS**

	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Class C Felony (Persons)	92.0%	38.2	\$18.51	19.8	29.0%	34.6	\$4.59	4.0%	\$10.28	42.0%	N/A	\$15.00

#### **Minority Impact**

There is no minority impact expected under [HF 519](#). Offenders previously convicted and admitted to prison under Iowa Code section [797.6A\(2\)](#) were predominantly Caucasian. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

#### **Fiscal Impact**

The cost to the General Fund from this Bill is estimated to be minimal:

- The DOT estimates that it will cost \$4,200 to revise the Operating While Intoxicated (OWI) sanctions program.
- The DOC estimates that it would incur \$400 in programming costs for the Iowa Corrections Offender Network system to support the BOP parole condition module. The additional marginal cost related to one additional Class C Felony prison admission per year is estimated to be \$18,000.

Costs to the DPS for developing and administering a 24/7 Sobriety Program will be paid for by the established participation fees. The Bill also requires that participation fees be set at an amount that will be sufficient to pay for the costs of the program in the participating jurisdictions. These fees will be collected by the local jurisdictions and deposited into a Sobriety Program Account. Federal grant funding through the National Highway Traffic Safety Administration may be available to Iowa with the establishment of a 24/7 Sobriety Program.

**Sources**

Department of Public Safety

Department of Transportation

Department of Corrections

Board of Parole

Department of Human Rights, Division of Criminal and Juvenile Justice Planning

Office of the State Court Administrator

Office of the State Public Defender

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/s/ Holly M. Lyons

March 10, 2017

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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